



29 SEP 2006

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In re Application of :  
KONAGAI *et al* :  
Application No.: 10/579,895 :  
PCT No.: PCT/JP2004/017639 :  
Int. Filing Date: 19 November 2004 :  
Priority Date: 21 November 2003 :  
Attorney's Docket No.: YAMA:127 :  
For: ARRAY SPEAKER APPARATUS :

**DECISION**

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

**BACKGROUND**

On 19 May 2006, applicants filed papers to enter the national stage of PCT/JP2004/017639 using docket number 47031-0000 which was accompanied by, *inter alia*, fees to enter the national stage. This application was processed as the national stage of PCT/JP2004/017639 and given U.S. application number 10/579,895. The correspondence address was listed as DRINKER, BIDDLE & REATH, LLP, 1500 K Street, N.W., Suite 1100, Washington, DC 20005-1209.

On 22 May 2005, a duplicate national stage application for PCT/JP2004/017639 using docket number YAMA:127 was filed by ROSSI, KIMMS & MCDOWELL LLP at the address at the top of this correspondence. The U.S. application number was denoted as 10/580,075. However, the application could not be processed as intended as a U.S. serial number already exists for this international application.

On 12 July 2006, a "Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)" was filed in U.S. application number 10/579,895. A decision granting applicants' petition was mailed by the Pre-Grant Publication Division, Office of Patent Publication that same day. Accordingly, U.S. application number 10/579,895 was expressly abandoned.

On 18 July 2006, a declaration in compliance with 37 CFR 1.497(a) and (b) was filed in U.S. application number 10/580,075.

**DISCUSSION**

As is evident from the above recited facts, two sets of papers to enter the

national stage were submitted for international application PCT/JP2004/017639. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

### **CONCLUSION**

Both applications will be merged into one national stage application for PCT/JP2004/017639.

Applicants are advised that U.S. application No. 10/580,075 is no longer a valid U.S. National stage application.

Applicants must use only U.S. application No. **10/579,895** for all correspondence to the national stage application of PCT/JP2004/017639. The attorney docket number is YAMA:127.

**It is noted that U.S. application number 10/579,895 was expressly abandoned via petition on 12 July 2006 by the Pre-Grant Publication Division, Office of Patent Publication. An application expressly abandoned may not be revived under 37 CFR 1.137(a) or (b).**



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